

WELSA HEIRSHIP DETERMINATION  
OF ROBERT ALLEN KEEZER

: Order Vacating Decision and  
: Remanding Case  
:  
: Docket No. IBIA 98-5  
:  
: April 20, 1998

The Minneapolis Area Director, Bureau of Indian Affairs (Area Director; BIA), seeks review of a September 11, 1997, heirship determination made for Decedent Robert Allen Keezer, No. WC 97-0011, by Administrative Judge Larry Meuwissen under the White Earth Reservation Land Settlement Act (WELSA), 25 U.S.C. § 331 note (1994). <sup>1/</sup> For the reasons discussed below, the Board vacates that decision and remands this matter for redetermination of Decedent's heirs.

Judge Meuwissen based his determination that Derwald W. Keezer was Decedent's heir on his conclusion that 25 U.S.C. § 371 applies in WELSA heirship proceedings. The Judge set forth this conclusion in his decisions in the WELSA heirship determinations of Esther Bellecourt Smith and Thomas J. Shingobe. On October 15, 1997, the Board disapproved Judge Meuwissen's conclusion that 25 U.S.C. § 371 applies in WELSA heirship proceedings. WELSA Heirship Determinations of Thomas J. Shingobe and Esther Bellecourt Smith, 31 IBIA 201. The Area Director cited the Board's decision in Shingobe as the reason for his appeal.

By order dated November 12, 1997, the Board gave interested parties an opportunity to respond to the Area Director's filings. No responses have been received.

The Board concludes that Derwald W. Keezer cannot be found to be Decedent's heir under 25 U.S.C. § 371. However, Judge Meuwissen stated in footnote 2 of his Final Order Determining Heirs that there was a possibility that Decedent and Derwald's mother had entered into an Indian custom marriage. The Judge further stated that he was not considering that issue because of his conclusion that Derwald was an heir under 25 U.S.C. § 371. The Board concludes that the question of whether there was an Indian custom marriage between Decedent and Derwald's mother needs to be addressed.

---

<sup>1/</sup> All further citations to the United States Code are to the 1994 edition.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, Judge Meuwissen's September 11, 1997, decision is vacated and this matter is remanded for consideration of whether Decedent and the mother of Derwald W. Keezer were married through Indian custom and, if necessary, recalculation of the shares taken by each heir.

---

Kathryn A. Lynn  
Chief Administrative Judge

---

Anita Vogt  
Administrative Judge